IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION NO : 4680 of 2005

Between:

1. K.Venkata Lakshmi, W/o.Chander Rao, Age:51 Yrs., Sarpanch, Indrapalem Gram Panchayat, Kakinada Rural Mandal, E.G.District.

2. Kandipalli Kumari, W/o.Srinu, Age:31 Yrs., 5th Ward Member, Indrapalem Gram Panchayat, Kakinada Rural Mandal, E.G.District.

..... PETITIONERS

AND

1. The Government of A.P., rep. By its Secretary, Panchayat Raj Department, Government of A.P., Hyderabad.

2. The State Election Commission, 3rd Floor, Buddha Bhavan, M.G. Road, Secunderabad, rep. by its Secretary.

3. The District Panchayat Officer/Additional District Election Authority, E.G. District at Kakinada.

4. The Election Officer, Indraqpalem Gram Panchayat, Kakinada Rural Mandal, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned action of respondents 2 to 4 herein in proceeding to fill up the Upa-Sarpanch by conducting special meeting on 10-05-2005 in pursuance of the impugned notification No.73/S.E.C./B2/05-10, dated

26-02-2005 on the file of the second respondent and the consequential proceedings Roc.No.212/05-A4, dated 1-3-2005 on the file of the third respondent contrary to the Rules frames by the Government and also provisions of A.P. Panchayat Raj Act as highly illegal, arbitrary and vioaltive of Article 14 of the Constitution of India and consequently set aside the same and pass such other order or orders in the interest of justice.

Counsel for the Petitioner: MR.G.V.SHIVAJI

Counsel for Respondents 1 to 4: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following ORDER:

The first petitioner is the Sarpanch and the second petitioner is one of the members of Indrapalem Gram Panchayat, Kakinada Rural Mandal, East Godavari district. Against the Upa Sarpanch, by name J. Venkata Lakshmi, a no-confidence motion was moved and it was carried through. For the purpose of filling the resultant vacancy, the second respondent issued a notification, dated 26.02.2005. The fourth respondent was appointed as an Election Officer. A notice, dated 04.03.2005, was issued by the fourth respondent proposing to conduct the election on 10.03.2005. The petitioners challenge the same on several grounds. It is alleged that the notice was not served within the stipulated time. In fact, at one stage, the petitioners doubted the very existence of the vacancy.

The learned Government Pleader for Panchayat Raj had made available the record relating to the election. A perusal of the same discloses that the notifications were issued strictly in accordance with the provisions of the A.P. Panchayat Raj Act, 1994, and that they were served upon the electorate within the stipulated time.

Heard the learned counsel for the petitioners, the learned Government Pleader for Panchayat Raj and Sri K.G.K. Prasad, on behalf of the State Election Commission, the second respondent.

As observed earlier, the petitioners were not even aware as to the existence of the vacancy. It had emerged that the previous Upa Sarpanch was removed through a no-confidence motion. Respondents 2 and 4 have issued the notifications, strictly in accordance with the relevant provisions of law and they served the notices of election, duly maintaining the time gap stipulated under the relevant provisions of law. This Court does not find any basis to interfere

with the election process.

Hence, the writ petition is dismissed. There shall be no order as to costs.

11-03-2005

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To

1. The Secretary, Government of A.P., , Panchayat Raj Department, Hyderabad.

2. The State Election Commission, 3rd Floor, Buddha Bhavan, M.G. Road, Secunderabad, rep. by its Secretary.

3. The District Panchayat Officer/Additional District Election Authority, E.G. District at Kakinada.

4. The Election Officer, Indraqpalem Gram Panchayat, Kakinada Rural Mandal, E.G.District.

5. Two C.Cs. to the Government Pleader for Panchayat Raj & Rural Development, High Court of A.P., Hyderabad, (OUT).

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